

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KEVIN MARILLEY; SALVATORE
PAPETTI; SAVIOR PAPETTI,
individually and on behalf of all
others similarly situated,
Plaintiffs-Appellees,

v.

CHARLTON H. BONHAM, in his
official capacity as Director of the
California Department of Fish and
Game,
Defendant-Appellant.

No. 13-17358

D.C. No.
4:11-cv-02418-
DMR

ORDER

Filed February 26, 2016

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.